

**Minutes of the Waukesha County Criminal Justice Collaborating Council  
Executive Committee  
Monday, January 12, 2009**

The meeting was called to order at 8:35 a.m.

**Present:** Judge Mac Davis (Chair), Peter Schuler and Brad Schimel. **Absent:** Jim Dwyer

**Also present:** Rebecca Luczaj, Mike Geise, Ryan Jurgens, Mark Mader, Clara Daniels.

**Approval of Minutes from December 8, 2008 Meeting**

MOTION: Schimel moved, Vrakas second, to approve the minutes of December 8, 2008. Motion carried 4-0.

**Review of Open Meeting Laws**

Luczaj said at several CJCC committee meetings there have been questions about procedural issues such as: what constitutes a quorum, who makes motions, can other people attend meetings in place of committee members and do these people count toward a quorum, etc. Luczaj thought a list of FAQs or recommendations would help committee chairs deal with these types of issues. Schimel said these questions do not fall under the Open Meeting Laws but rather the CJCC bylaws. Davis said most of these questions are answered in Roberts Rules of Order and are procedural issues. He does not think these issues are a focus of this committee.

Schuler said these issues were discussed in the past with the full Council and main working committees and may need clarification. There had been discussion about allowing substitutes to attend meetings as representatives of certain entities. It may help to review and revise committee memberships.

**Update on CJCC Data Collection/Statistical Reports**

Luczaj said she will soon have access to Spillman and be trained by Jurgens to use the system. Luczaj distributed a handout titled *Top 15 Charges for Inmates YTD 2008 as of 01/09/2009*. She said the third most frequent charge in 2008 is "Not Classified" with 1,868 charges. This listing has been an issue. Redistributing these charges to the correct categories could skew the report. Luczaj will be meeting with Kathy Madden and Diane Keslner to discuss how this can be resolved.

Giese said when the IJIS system was used, staff from the District Attorney's office coded new or changed laws in the computer system. When the County moved to Spillman, the process was no longer followed. Currently, any charges not linked to coding are labeled "Not Classified." There has been a major effort by IT staff to identify which statistics all the various county groups would like captured. Reports can produce different results depending on what and how data is captured.

Jurgens said last year the CJCC developed reports to review classifications. When thereports were run, certain categories were reporting too low. There were a significant number of "Not Classified" listings that were linked to a variety of charges such as drinking, sexual assault, etc. When the data was converted to Spillman System it was classified but it is not known who did the coding. IT addressed the issue with the Courts to find out who was responsible for classifying and keeping the code up-to-date. IT cannot make the determination of how charges should be coded. IT staff can update the system if given direction by another department. Jicha said a workgroup was formed to deal with coding.

Schimel asked is there a way to link the codes statewide? Giese said not to his knowledge. Jurgens said IT is willing make changes and updates if given direction. The "Not Classifieds" are not driven by the NCIC codes. Schimel said the workgroup needs to get back together.

Committee members agreed to let Davis appoint a chair to a workgroup on CJCC data collection and statistical reports. Luczaj said she will find out more information on the workgroup, make suggestions for a chair and move the project forward.

### **Update on Modification to ATC Enhancement Grant Application**

Luczaj said last week the members of the ATC Committee met and discussed the ATC Enhancement Grant Application. Jean LeTour of the Public Defenders Office explained that her office is uncomfortable with wording in the grant application requiring all participants to be on SCRAM for the first 60 days of the program. The Public Defenders Office wants discretion regarding who is put on SCRAM rather than making it mandatory for all participants. LeTour did not want people to be deterred from the volunteering for the program because they would be mandated to use SCRAM. After much discussion the ATC Committee approved “presumptive” language allowing for 60 days on SCRAM determined on a case-by case basis.

Luczaj said it was discussed that mandating people 60 days of SCRAM may decrease the number of participants. Davis asked is the program short of applicants? Luczaj said at this time there is no shortage but a policy change could affect enrollment. LeTour told the ATC Committee that she generally sees participants relapsing eight months into the program rather than during the first few months. WCS did not agree with LeTour’s statistic and feels people are more likely to relapse after they have completed their 15 days of SCRAM. SCRAM research recommends that people remain on SCRAM for 45 to 90 days.

Vrakas said the policy to use SCRAM for 60 days would be in line with WCS’s observations. Schimel said some ATC Committee members thought Waukesha County might not get the grant if the SCRAM language is too loose.

Luczaj said she would like the exceptions to be clearly defined. Grant evaluator Matt Hiller feels Waukesha County’s grant application needs to be objective with clearly defined parameters. The grant will not be awarded if there is any subjectivity. Luczaj has a conference call tomorrow with Matt Hiller, WCS staff and Jean LeTour to come to agreement on the parameters.

Vrakas asked why can’t SCRAM be used for 60 days? If participants are not supposed to use alcohol, what is the big deal whether or not they use SCRAM? Luczaj said she feels SCRAM use should be across the board. The argument against it is that people come into the program with different levels of prior treatment. Davis said treatment doesn’t mean sobriety.

Vrakas said he will only sign the grant application if there are no exceptions unless someone can indicate why that would be a bad idea. Davis said the one argument he’s heard is that it will discourage people from going into the program and not fill our roster. That is a sad statement.

Schimel said there are other outlets to bring in more participants such as allowing second or fourth time OWI offenders into the program. Davis said he wonders why people don’t want to do ATC. Perhaps people would rather do their time and get back to drinking. Schimel said you hear again and again that participants appreciate the heavy monitoring. Sixty days of SCRAM could be an angel on their shoulders.

Schimel said he thought the ATC Committee came to consensus to see if there are exceptions that make sense. Will this be brought before the ATC Committee again before the grant is submitted? Luczaj said she feels the CJCC Executive Committee is the body that should make the final decision. Vrakas wants participants to be on SCRAM for the first 60 days of participation.

**MOTION:** Schimel moved, Vrakas second, to submit the Enhancement Grant Application with language requiring all participants to be on SCRAM for the first 60 days of the program except in extraordinary circumstances as outlined by the Treatment Court judge. Motion carried 4-0.

**Discussion of Charging Fees to ATC Participants**

Schuler said fees for services could not be charged when Waukesha County applied for the ATC grant because of federal funding rules. Fees were discussed when the application was submitted in regards to how to sustain funding when grant funding ends. Fees were discussed again when testing and SCRAM use increased. Even though grant funds will be carried over to May 2009, the program will have a structural budget deficit in 2009. Once the final program reports are completed, the program structure could be changed to include charging fees for participation.

Schuler said ATC fees have been discussed with WCS. WCS is concerned they will be responsible for those who cannot afford to pay. If people are in ATC and other WCS programs, which fees will they pay first? There could be a fee clash with WCS and CJCC trying to collect payments.

Davis said participants have incurred a lot of fees by the time they're in ATC. Can participants afford to pay for this service? It doesn't make sense to charge for another program if there is no money to be collected. Schuler explained how HHS determines fees based on participants' financial and tax information. ATC and WCS will be most impacted once a fee is charged because they will have to collect the money and deal with the people. The ATC Committee will want to make recommendations.

Luczaj said Carpenter reported that participants have incurred approximately \$8.2K - \$14K in fees when they enter ATC from such things as driver safety plans, attorney fees, insurance, license reinstatement, Huber, ignition interlock, etc. Vrakas said these fees could be balanced by the amount participants are saving by not drinking.

Per Davis' request, Schuler offered to organize WCS, HHS and DOA staff to discuss potential fees and bring the information back to the committee.

Schimel said it is in the interest of the community to have people stop drinking and driving. One serious crash would cost more than an entire year of the ATC Program.

**Next CJCC Executive Committee Meeting:**

- Monday, February 9, 2009 @ 8:30 am

The meeting adjourned at 9:38 a.m.